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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Petition of)
)
PRONET, INC.)
)
For Amendment of the Commission's)
Rules to Allocate Spectrum for)
Permanent Provision of Electronic)
Tracking Services ("ETS") and to)
Amend the Commission's Rules to)
Authorize ETS Permanently Under)
the Business Radio Service)

RM-7784

To: The Commission

COMMENTS OF MSTV

The Association for Maximum Service Television, Inc. ("MSTV") hereby comments on the above-captioned petition for rulemaking filed by ProNet, Inc. ("Petition").

ProNet seeks an allocation of spectrum in the 216-222 MHz band for a new Electronic Tracking System ("ETS"). This band is immediately adjacent to broadcast television Channel 13. As an organization composed of some 250 television stations dedicated to protection of the technical quality of over-the-air broadcasting, MSTV is concerned about the potential for ETS operations in the 216-222 MHz band to create additional interference to Channel 13.

First of all the Petition fails to demonstrate a genuine need for these frequencies. ProNet notes that it had previously but unsuccessfully requested that Commission

dedicate a portion of the 220-222 MHz band to ETS. Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Services, 6 FCC Rcd 2356, 2360 (1990). ProNet does not acknowledge, however, that the Commission did not preclude ETS services from using this band; it merely refused to dedicate any of the new channels to this specific use. Indeed, the Commission specifically "encouraged" ProNet to make use of the new commercial and noncommercial narrowbandwidth channels in the 220-222 MHz band and, moreover, set aside ten channels for public safety use. Id.

ProNet does not expressly state why it could not use either the commercial or the noncommercial or the public safety channels in the 220-222 MHz band. The current proposal is, admittedly, for 8 kHz channels, while the 220-222 MHz band is channelized in 5 kHz increments. But ProNet apparently did not find that to be an insurmountable barrier when it earlier sought the ETS set aside. ProNet also observes that the public safety set aside in the 220-222 MHz band is limited to eligibles in the Public Safety Radio Services and asserts that it would be "impractical" to operate ETS under aegis of the many overlapping public safety jurisdictions in any given region. Petition at 19. It is for this same reason that ProNet asks the Commission to authorize a monopoly ETS provider in each geographic area. Petition at 35.

ProNet's desire to obtain a monopoly over ETS services is hardly an adequate justification for the additional spectrum it seeks. There is no reason why one or more public safety entities could not hold the ETS licenses in a given area. Moreover, as ProNet acknowledges, the FCC has created public safety regional planning entities for the express purpose of planning and coordinating the use of land mobile frequencies dedicated to public safety users. Petition at 23. ProNet does not explain why these planning units could not coordinate the implementation and use of ETS services by their constituents.

ProNet also surely has it backwards in citing repeatedly the many recent steps the Commission has taken to provide additional spectrum to public safety users as evidence of the need to dedicate yet more spectrum to public safety. Petition at 22-25. Surely the burden is on ProNet to demonstrate convincingly that ETS services cannot be accommodated in these extraordinarily generous allocations to public safety in general and to emergency locator services in particular.

ProNet is unconvincing in its efforts to dismiss the many complicated sharing issues its proposal presents. The 216-222 MHz band is already, to put it bluntly, a major spectrum battleground, with the principal warriors including IVDS, amateur radio and AMTS. See e.g., Notice of Proposed Rulemaking, Gen. Docket No. 91-2, 6 FCC Rcd 1368

(1991)(IVDS); ARRL Petition, RM-7747 (June 4, 1991); Report and Order, Gen. Docket 88-372, 6 FCC Rcd 437 (1991)(AMTS). ProNet confronts these competing users, all of whose claims predate those of ProNet, largely in footnotes. E.g., Petition at 60. But in these footnotes ProNet concedes that it cannot share spectrum with either IVDS or the amateurs and grounds its non-interference claims with AMTS largely in the likely infrequency with which the target transmitters in its service will be activated. Petition at 31-32.

MSTV, too, has serious concerns about the compatibility of each of the competing uses with broadcast television. In some instances, MSTV has worked closely with proponents to develop technical plans which will minimize the risk of harmful interference. See Comments of MSTV, Gen. Docket 91-2 (June 10, 1991). In other instances, MSTV has opposed additional use of the band by a service. MSTV has even more serious concerns about the potentially destructive synergy of these operations with "secondary" ETS operations in the same bands. This cumulative interference potential is neither discussed nor analyzed by ProNet.

ProNet's usage projections are, of course, little more than speculation and are, in any event, based on the unlikely scenario that the Commission will allocate sufficient spectrum only for ProNet. And ProNet would resolve its conflict with IVDS by moving ProNet to the

217-218 MHz band and increasing the threat of interference to Channel 13. Petition at 31-32.

In short, ProNet's request raises a host of thorny and difficult issues, yet fails to provide any compelling justification for undertaking to resolve them. The Commission has gone to extraordinary lengths in recent years to promote public safety use of the spectrum and ProNet has not demonstrated why it, too, cannot take advantage of that largesse.


Respectfully submitted,

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